

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V TAMMIE RESHONDA OUTLAW

Docket No. 295697

LC No. 2006-402791-FH

Elizabeth L. Gleicher
Presiding Judge

E. Thomas Fitzgerald

Deborah A. Servitto
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of the judgment of sentence which orders defendant to serve additional time in jail for failing to pay the fine, costs, and restitution amounts ordered, and REMANDS this case to the trial court. The trial court erred in ordering defendant jailed for failure to pay those obligations without first assessing whether defendant had the ability to pay the amounts ordered and failed to make a good faith effort to pay them. MCL 769.1a(14); *People v Collins*, 239 Mich App 125, 135-136; 607 NW2d 760 (1999). On remand, the trial court shall address whether defendant has the resources to pay the ordered amounts and has not made a good faith effort to do so before deciding whether defendant should receive additional jail time for failure to pay.

The remainder of the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

The Court retains no further jurisdiction.

Fitzgerald, J. would grant the delayed application for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 16 2010

Date

Sandra Schultz Mengel
Chief Clerk